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ABSTRACT

This guide to legislation and state board of education policy on minimum competency testing is designed to explain the legal basis for minimum competency testing mandates in the various states. Specifically, it explores: the differences between board mandates and state legislation; details of the requirements--subject areas, grade promotion and graduation requirements; and the range of options called for as related to the test, the implementation strategy, the involvement of citizens, and type of remedial programs specified. Brief excerpts from specific portions of state legislation, as well as state board mandates, are quoted. Thirty-eight states' laws or mandates are described: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wyoming. (GDC)

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STATE MINIMUM COMPETENCY TESTING PROGRAMS:

RESOURCE GUIDE

LEGISLATION AND STATE POLICY

AUTHORIZING MINIMUM COMPETENCY TESTING

FOR

THE NATIONAL INSTITUTE OF EDUCATION
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PURPOSE OF THE RESOURCE GUIDE

This Resource Guide to legislation and state board policy on minimum competency testing is designed to assist the reader in obtaining a better understanding of the legal basis for the minimum competency testing mandates in the various states. Specifically, the guide will explore:

- o the differences between state board mandates and legislation;
- o details of the mandate requirements, i.e., subject areas, grade promotion and graduation requirements; and
- o the range of options called for as related to the test, the implementation strategy, the involvement of citizens and the type of remediation programs specified.

The primary focus of the guide is to show how the wording in the mandates gives each state law or state board policy an individualistic approach to the same problem.

I. Introduction

Legislation and state board policy mandating minimum competency testing represents one of the few times in the history of American education that curriculum reform has been attempted almost solely by state policy mandates. In taking this action, state policy makers have pointed to the public concern over lowered standards and falling test scores. They see the problem exacerbated by the schools' or professional educators' failure to respond to the public's call to take action.

Educators, on the other hand, point out that the schools never quit teaching the basics, test scores are not all down, and that proposing legislation is a political grandstand effort to garner more votes by "over-agreeing" with the public. While some element of truth probably supports both contentions, the overriding fact is that local boards of education, state boards of education and the voluntary regional accrediting associations have had, and still do have, the power to change high school graduation standards and influence program and curricular standards.

To obtain a cursory understanding of the minimum competency testing movement, one must study the legislation enacted and the state board of education mandates approved in the 38 states since the early 1970s. An analysis of the state mandates reveals that they all contain a request that the schools on a statewide basis identify the minimum basic or life skills that students should attain as a result of moving through the elementary or secondary schools. The process for reaching

this goal, and the implications for individual students and schools, vary from one state mandate to another. While this analysis and other materials prepared by the Education Commission of the States mention the names of 38 states, other organizations and studies do not always list the same states. The criteria used by the Education Commission of the States includes states that called for a one-time test effort, others that call for pilot testing and study before the final details are determined, and states that include the components of setting minimum standards within the existing accountability or assessment programs.

II. Authorization for Mandates: Legislative v. State Board of Education

While legislation authorizing minimum competency testing has held the spotlight of attention, the fact is that 24 of the 38 states are implementing or have implemented programs based on a state board of education mandate. In six states, the program is being implemented because both legislation and a state board mandate have been approved. From an individual student's or school's point of view, it probably doesn't matter which mandate source is used. Generally, both types of mandates carry equal weight of law. Special provisions calling for penalties and the general governance provisions for education within a state are also factors influencing the final implementation of the mandate.

Usually, the state department of education under the direction of the state board of education or board of regents will end up with the responsibility of actually implementing the program or verifying its implementation under both types of mandates.

Historically, governance provisions for public education differ considerably from state to state. Local and state control over education varies from one region of the country to another. Generally, in the middle section of the country and in New England, local control over education means a minimum of state control or mandate. In these states, decisions related to instruction, textbooks and the day-to-day operation of the schools have been traditionally left with local boards of education. In these areas of the country, very few states have adopted a rigorous state standard/state test form of minimum competency testing program such as Florida and New York have adopted. Generally, there is a relationship between the number of local districts, the general size and historical strength of the state department of education and provisions for program mandate to the adoption of a state minimum competency testing mandate.

Critics of the minimum competency testing movement often point out that the enactment of minimum competency testing mandates is a political issue with obvious benefits accruing to the state policy maker voting for the mandate. In the Midwest, some legislators and state board members have said that the political benefits are on the

opposition side of the issue. They feel that any attempt to mandate a minimum competency testing program will be viewed as an erosion of local control. The assumption that minimum competency testing mandates represent a state policy reaction to public pressure is likely to be true both in states adopting this idea and in states not adopting a law or state board policy.

III. Requirements of the State Mandates

An analysis of the legislative and state board mandates does reveal the general acceptance of more rigorous basic skills standards. In more than one-half of the states, the program is tied to grade promotion or high school graduation. State board mandates often go into greater detail than legislation and more frequently mandate life skills and survival skills. The state board policy statements also tend to give more local district latitude in implementation.

An analysis of the state mandates should assist one with finding specific implementation strategies used by other states and assist in identifying the manner in which states have addressed specific policy issues with their mandates.

IV. State Mandates: Types and Provisions

Generally, the state minimum competency testing mandates can be divided into two distinct categories. The first is a requirement that a single statewide test and a single cut-off score be used. The second type would have local districts develop the test and set the standard. Twenty-one states have mandated that the state develop the test and set the standards, while six states have mandated that local school districts carry out the function. Nine states have a combination of state and local effort and one state, Colorado, sets criteria for local districts to follow, but gives them complete local option.

A listing of states that have mandated a state test/standard and a local test/standard can be found in Table I. The nine states that provide for a combination of state and local tests or standards are each explained with a footnote.

V. Subject Areas

Generally, the minimum competency testing movement has focused on the basic skill areas of reading, writing and mathematics. In at least two instances, Alabama and Maine, the state board of education mandate and legislation did not specify course or subject requirements. In Alabama, the state board policy specified that the statewide committee develop "minimal competencies criteria for high school graduation." These were later defined as "reading," "mathematics" and "writing" by the committee of 100. In Maine, the legislature called for an "assessment of student performances in the basic skills." The Maine Department of Education later defined these skills as reading,

TABLE I
Minimum Competency Testing Mandates

State Standard and Test		Combination of State and Local Standards/ Test		Local Standard and Test	
Legislation	State Board	Legislation	State Board	Legislation	State Board
AR	AL	AZ[1]----------AZ		CA	
FL	DE	CT[2]		CO[10]	
KS	GA	IL[3]			IN
LA	ID	KY[9]	MA[4]		OR
ME			NE[5]		UT
MD	MI		OK[6]	WA	
	MO		TN[7]		WY
NV----------NV		VA----------VA[8]			
	NH				
NJ----------NJ					
	NM				
	NY				
NC	UT				
SC	RI[11]				
TX					

See footnotes next page.

TABLE I (Continued)
Minimum Competency Testing Mandates

1. Arizona: State set standard/local districts to test.
2. Connecticut: At the elementary level, local districts must have a plan for test and standards at the high school level. A state test is mandated.
3. Illinois: State and local districts are to devise a plan.
4. Massachusetts: Local districts are to handle elementary level test and standards. State and local districts will work on secondary test.
5. Nebraska: State has developed test for district to use on a voluntary basis.
6. Oklahoma: State selected test. Both states and local districts will use for comparative purposes.
7. Tennessee: State handles high school test and standards. Local districts handle the elementary test and standards.
8. Virginia: State handles reading and math at the high school level. Local districts handle the "essential citizenship" skills. At the elementary level, the state and local districts combine their efforts.
9. Kentucky: Local districts are to develop plans. State will work on test with local districts.
10. Colorado: Local option.
11. Rhode Island: Regents call for basic skill standards, minimum competency standards and standards of excellence.

writing and mathematics. The emphasis of the state mandates has been on the school skills of reading, writing and mathematics. Table II shows the actual word or words used in the state mandate. A great deal of uniformity exists under the heading of reading but exceptions such as "reading comprehension" (California), "basic reading skills" (Connecticut), "application of reading" (Delaware), and "reading comprehension" (New York) are used. While this seemingly small deviation probably doesn't change the overall intent of the state mandate, it could be argued that the implementation of state mandates depends on one or two words. The development of the "Degrees of Reading Power Test" by the New York State Department of Education is viewed by some as a new generation reading comprehension test. The use of the word "comprehension" in the New York mandate is related to the development of this test.

In the area of mathematics, differences are more numerous. "Arithmetic" is used by Idaho and Utah, and "computation skills" is used in Arizona, California, New Jersey, Oregon and Wyoming. Indiana and Maryland do not mention mathematics at all.

Writing was mandated in 19 states. Four states--Idaho, Indiana, Kentucky and Tennessee--specifically mention spelling. Only Tennessee of the four does not mention both writing and spelling. The term "language arts" was mentioned in the Connecticut, Delaware and Kentucky mandates, but the more general term "language arts" probably also includes writing but leads one to ask if spelling is to be considered a part of writing or language arts.

A complete list of the subject areas included in the state mandates can be found in Table II. Life skills, survival skills and additional curricular testing requirements are listed in the "Other" column.

Vermont has the unique distinction of requiring schools to develop a basic competency test in the area of reasoning. No other state has included this subject in its competency testing mandate.

VI. The Range of Provisions in the Minimum Competency Testing Mandates

Decisions about the scope and content of a minimum competency testing mandate can be influenced by a number of factors. Usually legislators and state board members have a personal understanding of the problem at hand. This knowledge, combined with recommended solutions proposed by constituents, is probably the basis of most proposed legislation or state board of education mandates. Very few bills or state board rules are drafted with the benefit of other state bills or rules in hand. In analyzing the mandates from the 38 states on minimum competency testing, no instance of identical wording or a repeat of sections was found. In only one case, a bill enacted in Colorado and a state board resolution approved in Idaho, did the wording appear similar. The common element was a call for student remedial work during the school day. These two examples read as follows:

TABLE II
Subject Areas Listed in the Minimum Competency Mandates

State	Reading	Mathematics	Writing	Other
AL (state bd.)	"reading"	"mathematics"	"writing"	
AZ (state bd.)	"reading"	"computational skills"	"writing"	
AR (Act 666)	"reading"	"mathematics"		Other subjects to be determined by the Dept. of Education
CA (AB 65)	"reading comprehension"	"computation skills"	"writing"	
CT (SHB 5889)	"basic reading skills"	"basic mathematics skills"		"language arts skills"
DE (state bd.)	"application of reading"	"application of mathematics"	"application of writing"	
(HB 845, Ch. 304)	"reading"	"mathematics"		language arts
FL (CSSB 107)	"reading"	"mathematics"	"writing"	"and satisfactory performance in functional literacy", 11th grade
GA (state bd.)	"reading"	"mathematics"		"career development"
ID (state bd.)	"reading"	"arithmetic"	"writing"	"spelling"

TABLE II (Continued)
Subject Areas

State	Reading	Mathematics	Writing	Other
IN (state bd.)	"reading"		"composition"	"spelling"
KS (HB 3115)	"reading"	"mathematics"		
KY (HB 579)	"reading"	"mathematics"	"writing"	"spelling and language arts; development of learning skills"
LA (Act 621)	"communications skills: reading, writing and speaking"	"basic arithmetic and mathematics"		
ME (L.D. 1810)	"reading"	"mathematics"	"writing"	Note: Law calls for "basic skills."
MD (Act 559)	"reading"			
MA (state bd.)	"reading"	"mathematics"	"writing"	Listening and speaking to be added
MI (state bd.)	"reading"	"mathematics"		Life role skills under study for 12th grade.
MO (state bd.)	"the application of reading"	"the application of mathematics skills"		government/ economic skills
NE (state bd.)	"reading"	"mathematics"	"writing"	

TABLE II (Continued)
Subject Areas

State	Reading	Mathematics	Writing	Other
NV (AB 400)	"reading	"mathematics"	"writing"	
NH (state bd.)		"mathematics"		"communications"
NJ (Ch. 97)	"basic communication skills"	"basic computational skills"		
NM (state bd.)	Secondary: (based on adult performance level skills)	Secondary: (based on adult performance level skills)	writing (secondary)	Elementary: local option
NY (Board of Regents)	"reading comprehension"	"mathematics"	"writing"	
NC (HB 204 and 205)				"skills and knowledge to function independently and successfully in assuming the responsibilities of citizenship"
OK (state bd.)	"reading"			Grade 12: "survival skills"
OR (state bd.)	"reading"	"computation"	"writing"	Local option: "Personal development, social responsibility and career development"

TABLE II (Continued)
Subject Areas

State	Reading	Mathematics	Writing	Other
RI (board of regents)	Elementary: "reading"	"mathematics"	Elementary "language arts"	Elementary: "cultural arts" Secondary: "selected life skills"
SC (H 2053)	"reading"	"mathematics"	"writing"	Secondary: Grade 11 "adult functional competency"
TN (state bd.)	"reading"	"mathematics"		language and spelling
TX (SB 350)	"reading"	"mathematics"	"writing"	language arts, secondary level
UT (state bd.)	"reading"	"computation (arithmetic)"	"writing"	speaking and listening; process and structure of democratic governance; consumerism; problem solving
VT (state bd.)	"reading"	"mathematics"	"writing"	speaking; listening; reasoning
VA (HB 402)	"reading"	"mathematics"		local districts: "essential citizenship skills"

TABLE II (Continued)
Subject Areas

State	Reading	Mathematics	Writing	Other
WA (HB 1345)	"reading"	"mathe-matics"		language arts
WY (state bd.)	"reading"	"computing"	"writing"	structure of democratic governance and free enter-prise

Colorado SB 180: "Any child who does not satisfactorily fulfill the requirements of a special proficiency test imposed under the provisions of Subsection 1 of this Section, shall be provided with remedial or tutorial services during the school day in the subject area in which the test indicates deficiencies for graduation purposes."

Idaho State Board resolution: "Those students who fail to obtain satisfactory scores shall be provided remedial and/or tutorial services during the regular school day in the subject areas for which the test indicates a deficiency exists."

Colorado SB 180 was enacted in 1975 and the Idaho State Board resolution was adopted February 3, 1977. Apart from this common element, the remainder of the law and the state board ruling in these two states bear little resemblance in intent or content.

In analyzing state minimum competency testing mandates, it is often assumed that a model legislative bill or state board ruling can be identified. This "ideal" bill or policy, it is reasoned, will assist people about to write a minimum competency testing mandate or to improve an existing mandate. This assumption, however, is difficult to achieve in practice. Developing criteria for the identification of a model mandate has not yet been successfully accomplished. Any attempt to do so would probably represent only the bias of an individual or group. In short, the 38 state mandates are all different and, apart from a call to establish minimum standards, each is a policy effort unique to that state. In this analysis, four central characteristics of minimum competency testing mandates have been selected for comparison. These are: (1) the type of test, (2) the implementation strategy, (3) the involvement of citizens and (4) the call for remedial identification of students.

A. The Type of Test

The call for a minimum competency test in the 38 mandates ranges from a simple one- or two-word statement that a test will be developed, to a call for a criterion-referenced or a norm-referenced test. Generally the mandates ask the state department of education or the state board of education to develop a test with specifics left up to the people carrying out the implementation. However, in a number of the state mandates, a series of options is visible.

In Table III, excerpts have been selected from 11 of the state mandates which give some specificity about the type of tests to be developed, the manner in which they are to be developed, or other specific and interesting details surrounding the development of the tests. On the one hand, these options vary from Alabama, where the Test Commission was "to develop the minimum competency criteria and test,"

TABLE III
The Minimum Competency Test

State	Provisions of the Law or State Board Mandate
AL	"... the state superintendent of education to appoint a committee for the purpose of developing minimal competencies criteria for high school graduation and a means for measuring these skills."
AZ (ARS 15-10226)	"...a continuous uniform evaluation system of pupil achievements in relation to measurable performance objectives in basic subjects."
(state board 1971)	"Promotion in the common schools in reading shall be based upon predetermined objective performance levels..."
AR (Act 666)	"The Department of Education shall develop criterion-referenced tests"...to be known as minimum performance tests.
FL (CSSB 107)	"The Commissioner is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools."
KY (HB 579)	"The department (of education) shall, in 1978-79, purchase or cause to be developed tests appropriate to the Commonwealth of Kentucky for measuring student progress and achievement in the basic skills in grades 3, 5, 7 and 10. These tests shall be reviewed annually for appropriateness and shall be modified or revised as is necessary." "The department (of education) shall compile results for each local school district and return...by August 1st of each year." "The department (of education) shall, upon the request of a local school district, provide assistance in interpreting test results."

TABLE III (Continued)
The Minimum Competency Test

State	Provisions of the Law or State Board Mandate
LA (Act 6 21)	"The superintendent of education shall, by January 1, 1979, develop and administer a uniform system of assessment based in part on criterion-referenced tests to determine pupil status, pupil progress and the degree to which such minimum proficiency standards have been met."
MA (state bd.)	"At the secondary level, school committees will have the option of using (1) a basic skills competency test developed by the state department of education, (2) commercially available tests from a list approved by the state department of education, or (3) locally utilized or developed tests approved by the state department of education as being comparable to either (1) or (2).
NE (state bd.)	The Nebraska Assessment Battery of Essential Learning Skills defines essential skills "as a subject of the 'basic skills' which are fundamental to continued learning. Essential learning skills are the tools of learning necessary for successful acquisition of competencies in the broader skill areas."
SC (HB 2053)	"Provide for the administration of the readiness test at the beginning of the school year in grade one. Based on the results of the test, the school district shall advise the parents of any student not indicating readiness for first grade work to secure a complete physical examination for that child. Such advice by the school district shall contain information about local governmental health services that are available."
TN (state bd.)	Taken from state guidelines: "The State Board of Education has not established the actual format for the test that will be used for high school graduation purposes. However, the board has specified that the test will be developed from the educational objectives identified or in use when the specific high school class being tested was in the eighth grade."

TABLE III (Continued)
The Minimum Competency Test

State	Provisions of the Law or State Board Mandate
VT	Proposed basic competencies in reasoning: "For our purposes, reasoning includes problem solving, classification and organization, making reasoned judgments and research skills." "The components of the reasoning process are: (1) Problem Solving is the ability to identify a problem, suggest possible causes, propose solutions and predict consequences of those solutions. (2) Classification and Organization address abilities to group objects, ideas and concepts, to sequence and in doing that to distinguish between factual data and opinion. (3) The ability to make reasoned judgments involves one's capabilities to review and summarize information and take a defendable position; and to understand the views, reasons and conclusions of others. (4) Research skills involve the use of commonly available sources to gather and organize information."

to Arizona, where a "continuous uniform evaluation system of pupil achievement" was to be devised. In Florida and Louisiana, legislation called for an assessment program with the title of both bills including the word "accountability." The Massachusetts mandate gives a variety of options for secondary schools with the school districts being able to (1) use a state-developed test, (2) buy a commercial test, or (3) write their own test. Option 2 in this Massachusetts State Board mandate has resulted in the state department of education actually publishing an approved list of commercial tests that have been judged to meet the state criteria. Commercial test publishers have been quite interested in this process and a guide outlining the steps of this procedure is available from the Massachusetts State Department of Education. Nebraska has launched an interesting approach by referring to their test as the Nebraska Assessment Battery of Essential Learning Skills. Their definition of essential learning skills and how they differ[1] from basic skills is an interesting option. South Carolina has proposed the development of a readiness test for first-grade students. No other state has initiated a testing program at this early a grade level.

Phase-in time is touched in the Tennessee State Board ruling when the board calls for the high school test to be based on educational objectives that were identified and in use when the high school graduating class was in eighth grade.

Many states have included in their guidelines and implementation strategies the idea that local school districts will be given assistance in the development of the test, but in Kentucky, the mandate calls for the state department of education to give school districts assistance and specifies the compilation of statewide test results.

B. Implementation Strategy

Usually the mandate does not specify how it is to be implemented. Most often, the mandate gives key provisions that are to be included in the implementation strategy and quite often a date by which the graduation mandate or grade promotion policy is to be in place. Table IV lists provisions selected from a range of options in such state mandates. In some, however, a greater array of options for implementation are provided. In Arkansas, for example, the law gives the dates and details for sample testing of students, calls for item analysis of the tests and states the manner in which test item revisions will be conducted prior to developing the final test. The Kentucky legislation calls for the test results to be released to the

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1. Nebraska identifies the reading, writing and arithmetic skills that are essential for continued learning.

TABLE IV
The Implementation Strategy

State	Provisions of the Law or State Board Mandate
AR (Act 666)	1. Give a "minimum performance" test to a sample of students at three grade levels, 1979-1980. 2. "Conduct a statistical item analysis of the tests and make necessary revisions to improve the validity of the tests." 3. "During 1980-81...the revised tests will be administered to a sample of students at the same grade level and again revised as needed." 4. "The minimum performance tests will be administered to students in grades 3, 6 and 8 in the 1981-82 school year and annually thereafter."
KY (HB 579)	"Results of these tests shall be compiled on a statewide, district and school basis by the department (of education) and be made available to the governor, the state advisory committee for educational improvement, the legislative research commission, the state board for elementary and secondary education and local boards of education."
LA (Act 621)	"The superintendent of education shall develop a guide for educational accountability"....(to include:) 1. A procedure for the continuous identification, examination and improvement of the goals of education. 2. Identify performance objectives which will lead directly to the achievement of pupil proficiencies. 3. Develop evaluation instruments including, but not limited to, tests to provide the evaluation required. 4. Develop and implement an overall evaluation design.
MD (Act 559)	"The State Board of Education shall prescribe for each grade, two through twelve, a minimum level of reading ability which shall progressively rise in each succeeding grade."

TABLE IV (Continued)
The Implementation Strategy

State	Provisions of the Law or State Board Mandate
MA (state bd.)	"The purpose of the minimum standards and the evaluations called for by this policy is to assist in diagnosing student needs and in identifying curriculum areas which should be adjusted or modified."
NY (board of regents)	"Beginning with the competency tests administered in January of 1979, schools must record on each student's permanent record the names of the tests administered, the dates of administration and scores obtained. In addition, schools will be asked to report the results of each administration of the competency tests on report forms to be provided..."
SC (HB 2053)	The state department of education is to: "Develop or select, and field test, a minimum achievement test that will measure adult functional competency at the end of grade 11." This test is to be given beginning in 1981-82 and continued through 1988-89 "for the purpose of collecting baseline data."

Governor, the Legislative Research Commission and the Advisory Committee for Educational Improvement. The accountability process presented in Louisiana gives some details on the kind of state guide that is to be developed for local school districts. The mention of "identification and improvement of goals" for education is usually not included in most mandates. This mandate also includes a mention of an overall evaluation design. The words "shall progressively rise" in the Maryland law give a unique set of directions on the manner in which minimum level reading abilities are to be set from grades 2 to 12. The Massachusetts State Board policy is billed as a basic skills improvement policy. The board of education, in the statement of purpose, calls for evaluations which might adjust or modify the curriculum areas. This request is unique to this state board mandate. The New York Board of Regents mentioned the manner in which the student's scores are to be entered in the student's permanent record. In South Carolina, the legislature was concerned about establishing a premature high school graduation standard. This bill calls for the collection of baseline data up through and including the 1988-89 school year before making this decision. By setting the phase-in period for high school graduation this far in the future, success of the competency testing programs in the lower grades will be determined.

C. Citizen Involvement

In recent years, state departments of education have been involving more lay citizens in the process of implementing federal and state programs. Citizen involvement is an automatic requirement in some states and perhaps for this reason, was not always included in the state board mandates. However, it cannot always be assumed that this provision, if not included in the law, would automatically be extended to parents and citizens-at-large. Table V gives detail on seven state mandates that have made differing and unique requirements for the involvement of citizens in the minimum competency testing mandate. In Alabama, the requirement is short, calling for a committee to be representative of educators and lay citizens throughout the state. California adds to this by mentioning that the parents to be involved should reflect the socio-economic composition of the school district and also mentions counselors along with teachers and administrators in the mandate. Florida has made school advisory committees or other parent groups permissible and calls for the results of student performance on the basic skills testing program to be released to those groups. Indiana calls for the establishment of a local advisory committee for the purpose of determining local standards of student performance. Kentucky calls for the governor to appoint a statewide advisory committee. The Massachusetts State Board mandate includes a statement that would

TABLE V
Citizen Involvement

State	Provisions of the Law or State Board Mandate
AL	"The committee appointed shall be representative of educators and lay citizens from throughout the state of Alabama."
CA (AB 65)	"Standards of proficiency shall be adopted by the governing board (local district) with the active involvement of parents broadly reflective of the socioeconomic composition of the district, administrators, teachers, counselors, ..."
FL (CSSB 107)	The state department of education is to: "Monitor the results of the assessment program and, at any time the composite student performance of a school or basic program is found to be below the established minimum standards, notify the district superintendent. The school principal and the school advisory committee or other existing parent group of this situation within 30 days of its determination. "The district school board may establish an advisory committee broadly representative of the community... composed of teachers, students, parents and other citizens..."
IN (state bd.)	"Each school corporation shall form a local advisory committee for the purpose of determining the local standards of student performance. This committee shall include teachers, administrators, parents and community members."
KY (HB 579)	"There shall be appointed by the governor a state advisory committee for educational improvement..." The committee will consist of "18 members broadly representative of citizens, parents, teachers and administrators."

TABLE V (Continued)
Citizen Involvement

State	Provisions of the Law or State Board Mandate
MA (state bd.)	"Students and parents should be given the opportunity to see the corrected evaluation instruments so they can be informed of strengths and weaknesses in basic skills competency."
SC (HB 2033)	"There is hereby created the South Carolina Basic Skills Advisory Commission composed of 15 members which shall provide recommendations and advice to the Governor, General Assembly and State Board of Education on implementation of this act." The state superintendent of education is to appoint six members (professional educators), one from each congressional district. The Governor shall appoint seven lay persons known to be actively involved in public education issues," one from each congressional district and one at large.

release the corrected evaluation instruments to both students and parents. The South Carolina State Advisory Committee is very specifically detailed and calls for both professional educator and lay personnel to represent each congressional district. This approach to state representation is usually not included in the state board mandates.

D. Remediation Programs

The intent of most minimum competency testing mandates is that students be tested and, when in need of remediation, identified. Not all of the state mandates specifically mention remedial programs. This option is also handled in a wide variety of ways in the legislation. Table VI gives detailed examples from a range of the state mandates. In Arizona the mandate calls for special instructional emphasis in reading for high school graduation. Arkansas is an example of a state calling for local districts to submit plans for implementing remedial programs, while California implies that the process is rather open-ended, giving a student "numerous opportunities" to achieve mastery. Colorado and Idaho both mention giving remedial work during the school day. This concept is unique to these two states. Maryland presents an unusual option of having students take remedial work or be retained in the same grade. However, grade retention can be applied only once between grades 2 through 7. Nevada, on the other hand, does permit promotion to the next higher grade but calls for the examination of the test scores in providing remedial study. New Jersey presents a unique option by calling for local districts to establish interim goals for students who fail statewide proficiency tests. Inservice training for teachers is also mentioned as a provision in the local district plan. The New York Board of Regents calls for remediation steps to be a continuous process. Texas will grant state compensatory education funds to local school districts on the basis of the minimum competency test.

VII. Summary

In using the state mandates to gather information about minimum competency testing, one can generally assume that legislation will be more precise, shorter and easier to use than a state board policy statement. State board policy may include the adoption of a short statement initiating a program but usually a task force is appointed, committees are established and the state board receives and accepts reports from these groups. At the state board level, implementing the policy statement continues to be a recurring issue for board action and review. Finding the precise starting point for a statewide mandate can be more difficult in a state board resolution than in a state law.

While only enacted legislation was summarized in this analysis, sometimes failed legislation also contains unique approaches to the problem. Two examples are cited here as ideas that were proposed in bills but not enacted. In Kansas, HB 2139, proposed in 1977, called for the adoption of standards of proficiency in the basic educational skill areas and also the adoption of minimum academic skills. These academic skills were to be determined and established by the state board in cooperation with the state board of regents and were to be used by students preparing for admission to colleges and universities under the control and supervision of the state. This is the only example of a mandate proposing both minimum competency testing standards for high school graduation and minimum academic standards for college entrance in the same piece of legislation. The bill died in committee.

In Maine, Legislative Document No. 734, introduced in 1977, contained a statement of purpose, putting teacher opinion on an equal par with the scores from a minimum competency test. The statement read: "The purpose of this bill is to establish that the learning of certain basic skills will be considered along with teachers' recommendations and students' school records as factors in determining the awarding of a diploma." The interpretation of this bill in committee hearings was that teacher opinion could override a low minimum competency testing score. A student, in order to receive a diploma, would have to have met certain school rules such as course and time requirements, in addition to minimum competency tests and/or a teacher recommendation. This bill also died in committtee.

Finding useful options in legislation and state board rulings is difficult and often depends upon the point of view or issue being addressed. The author of any bill or policy statement has to keep in mind the governance situation, political climate and general approach to education within a state. With these options in mind, the following state mandates do seem to emphasize specific topics and could be considered examples of bills or state board rulings displaying unique strengths around a given topic:

- State assessment programs--Arkansas and Rhode Island
- Minimum competency testing as part of the school finance law--California AB 65 and Texas
- Complete local option for minimum competency testing--Colorado SB 180
- A limited test and a report back to the legislature--Kansas and Maine
- A short minimum competency bill followed by enabling legislation and state board guidelines--Nevada

TABLE VI
Remediation Programs

State	Provisions of the Law or State Board Mandate
AZ (ARS 15-102.26)	"The Board of Education shall assist in the development of alternative learning procedures to help pupils attain their individual learning expectancy levels based on intelligence factors, achievement factors and teacher evaluation."
(state bd., 1971)	"Special instruction will be given in reading...so that high school graduates...will demonstrate the ability to read at the ninth grade level."
AR (Act 666)	Local districts are to report to the state "...plans for implementing improvements suggested by the results of the assessment;..."
CA (AB 65)	"Instruction in basic skills shall be provided for any pupil who does not demonstrate sufficient progress toward mastery of basic skills and shall continue until the pupil has been given numerous opportunities to achieve mastery."
CO (SB 180)	"Any child who does not satisfactorily fulfill the requirements of a special proficiency test imposed... shall be provided with remedial or tutorial services during the school day in the subject area in which the test indicates deficiencies for graduation purposes. Such child shall be provided with these services from the time of the initial testing until such time as the results of the special proficiency test are satisfactory."
CT (SHB 5889)	Local district plans are to include: "Provisions for remedial assistance to students with identified needs; ..." Note: State aid is to be available for remedial assistance beginning in FY '80.

TABLE VI (Continued)
Remediation Programs

State	Provisions of the Law or State Board Mandate
ID (state bd.)	"Those students who fail to obtain satisfactory scores shall be provided remedial and/or tutorial services during the regular school day in the subject areas in which the test indicates a deficiency exists. The individual students shall be provided the necessary services by the local school district from the time of the initial testing until such time as the results of the proficiency tests are deemed satisfactory."
IN (state bd.)	School corporations are to: "Prescribe instructional procedures and strategies (corrective and developmental) which are based on the diagnosis so that the identified needs of all students are met."
KY (HB 579)	"Local school personnel shall ascertain areas of strength and weaknesses in the school program as revealed by the test results and with the advice of (local advisory committee) shall develop appropriate programs to address educational weaknesses for grades 4, 6, 8 and 11."
MD (Act 559)	If a student..."has not met either a minimum grade level competency or the minimum reading level...the student shall be either retained in the current grade or enrolled in an appropriate reading assistance program..." "These provisions may not be responsible solely for withholding grade advancement more than once in grades two through seven."
NV (AB 400)	"If a pupil fails to pass the proficiency examination administered before the completion of grade 3, 6 or 9, he may be promoted to the next higher grade, but the results of his examination shall be evaluated to determine what remedial study is appropriate."

TABLE VI (Continued)
Remediation Programs

State	Provisions of the Law or State Board Mandate
NJ (Ch. 97)	"In each district in which there are pupils whose proficiency in basic communications and computational skills is below the statewide standard, the local board annually shall establish an interim goal designed to assure reasonable progress toward the goal of achievement by each such pupil of at least the statewide standard of proficiency." A local district improvement plan may include: "(a) curricular changes; (b) inservice training programs for teachers; (c) diagnostic, remedial or skill maintenance programs for pupils; (d) consultations with parents or guardians; (e) any other measure designed to promote progress toward such interim goal."
NY (board of regents)	"One of the most important features of the new regents' competency testing program is the early identification of students who need special help in developing their skills in reading, writing and mathematics. This identification process must begin at the first point of contact between student and school and must continue throughout the student's years in school. The process should make use of both formal and informal assessment techniques and should lead to a meaningful and effective program of special help." "The department (of education) is preparing guidelines for remedial instruction, including lists of resources..."
TX (SB 350)	"Each school district shall utilize the student performance data resulting from the assessment instruments administered pursuant to this section to design and implement appropriate compensatory instructional services for students in the district's schools and shall submit an annual report to the commissioner of education which describes how state compensatory funds received pursuant to this section have been used to provide for those services."

- o A state plan for the improvement of basic skills -- Massachusetts and New Mexico

- o A minimum competency testing mandate as a part of high school graduation requirement changes--Oregon and Georgia

- o A clear definition of the state and local responsibilities--Kentucky HB 579

- o A comprehensive bill covering kindergarten through grade 12--South Carolina

The full text of legislation and state board rulings enacted in the 38 states has not been included in this report. These laws and state board policies are available from the Education Commission of the States. A copy can be obtained by writing to the E.C.S. Publications Office, Suite 300, Lincoln Tower Building, 1860 Lincoln Street, Denver, Colorado 80295. Ask for Legislation and State Board of Education Rulings Establishing Minimum Competency Testing Programs. Cost $6.50.